

AMENDED IN ASSEMBLY MARCH 24, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

No. 351

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Introduced by Assembly Member Salas *Members Salas and Ma*  
(Coauthor: Assembly Member Duvall)

February 19, 2009

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~~An act to amend Section 51222 of the Education Code, relating to physical education.~~ *An act to amend Section 51222 of, and to add Section 51242.1 to, the Education Code, relating to physical education, and declaring the urgency thereof, to take effect immediately*

### LEGISLATIVE COUNSEL'S DIGEST

AB 351, as amended, Salas. Physical education.

~~Existing~~

(1) ~~Existing~~ law requires all pupils who are not otherwise exempt to attend courses in physical education for a total period of time of not less than 400 minutes each 10 schooldays.

~~This bill would require that specified programs and courses qualify toward meeting this requirement, including interscholastic athletic programs, marching band, drill team, and Junior Reserve Officer Training Corps.~~

*This bill would authorize the governing board of a school district to exempt any pupil from courses in physical education if the pupil participates in California Cadet Corps, cheer team or dance team, color guard or drill team, Junior Reserve Officer Training Corps, or marching band. The bill would make other technical and clarifying changes.*

(2) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 51222 of the Education Code is amended*  
2     *to read:*  
3     51222. (a) All pupils, except pupils excused or exempted  
4     pursuant to ~~Section~~ *Sections 51241, 51242, and 51242.1*, shall be  
5     required to attend ~~upon the courses of~~ *in* physical education for a  
6     total period of time of not less than 400 minutes each 10  
7     school days. Any pupil may be excused from physical education  
8     classes during one of grades 10, 11, or 12 for ~~not to exceed 24~~  
9     ~~clock a time period less than 24 hours~~ in order to participate in  
10    automobile driver training. ~~Such~~ A pupil who is excused from  
11    physical education classes to enroll in driver training shall attend  
12    ~~upon~~ a minimum of 7,000 minutes of physical education instruction  
13    during ~~such~~ *that* school year.  
14    (b) The governing board of each school district that maintains  
15    a high school and that elects to exempt pupils from required  
16    attendance in physical education courses pursuant to paragraph  
17    (1) or (2) or both of subdivision (b) of Section 51241 shall offer  
18    those ~~exempted~~ *pupils so exempted* a variety of elective physical  
19    education courses of not less than 400 minutes each 10 school days.  
20    *SEC. 2. Section 51242.1 is added to the Education Code, to*  
21    *read:*  
22    51242.1. *The governing board of a school district that provides*  
23    *the following courses or programs may exempt any pupil*  
24    *participating in such a course or program from courses in physical*  
25    *education:*  
26    (a) *California Cadet Corps.*  
27    (b) *Cheer team or dance team.*  
28    (c) *Color guard or drill team.*  
29    (d) *Junior Reserve Officer Training Corps.*  
30    (e) *Marching band.*  
31    *SEC. 3. This act is an urgency statute necessary for the*  
32    *immediate preservation of the public peace, health, or safety within*  
33    *the meaning of Article IV of the Constitution and shall go into*  
34    *immediate effect. The facts constituting the necessity are:*

1 *In order for pupils to avail themselves of the physical education*  
2 *exemptions specified in this act as soon as possible, it is necessary*  
3 *that this act take effect immediately.*

4 SECTION 1. ~~Section 51222 of the Education Code is amended~~  
5 ~~to read:~~

6 ~~51222. (a) All pupils, except pupils excused or exempted~~  
7 ~~pursuant to Section 51241, shall be required to attend courses in~~  
8 ~~physical education for a total period of time of not less than 400~~  
9 ~~minutes each 10 schooldays. For purposes of this subdivision, the~~  
10 ~~following courses and programs shall qualify toward meeting this~~  
11 ~~requirement:~~

12 ~~(1) Interscholastic athletic programs.~~

13 ~~(2) Marching band.~~

14 ~~(3) Drill team.~~

15 ~~(4) Junior Reserve Officer Training Corps.~~

16 ~~(b) Any pupil may be excused from physical education classes~~  
17 ~~during one of grades 10, 11, or 12 for a time period less than 24~~  
18 ~~hours in order to participate in automobile driver training. A pupil~~  
19 ~~who is excused from physical education classes to enroll in driver~~  
20 ~~training shall attend a minimum of 7,000 minutes of physical~~  
21 ~~education instruction during that school year.~~

22 ~~(c) The governing board of each school district that maintains~~  
23 ~~a high school and that elects to exempt pupils from required~~  
24 ~~attendance in physical education courses pursuant to paragraph~~  
25 ~~(1) or (2) or both of subdivision (b) of Section 51241 shall offer~~  
26 ~~those exempted pupils a variety of elective physical education~~  
27 ~~courses of not less than 400 minutes each 10 schooldays.~~